

FILED

MAY 28 2003

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CATHY A. CATTERSON
U.S. COURT OF APPEALS

In re: DEWAYNE HERVEY SIMPSON,

Debtor,

DEWAYNE HERVEY SIMPSON,

Appellant,

v.

RAY DOOLEY,

Appellee.

No. 02-15744

D.C. No. CV-01-01478-ROS

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Roslyn O. Silver, District Judge, Presiding

Argued and Submitted May 13, 2003
San Francisco, California

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

Before: HAWKINS, W. FLETCHER, Circuit Judges, and BREYER,**
District Judge.

Because the Chapter 13 case had already been dismissed, the bankruptcy court lacked jurisdiction to entertain the Appellee's "Supplemental Memorandum/Motion to Determine that Lease is Deemed Rejected and That Debtor Has Lost the Right to Possession." *See In re Taylor*, 884 F.2d 478, 481 (9th Cir. 1989); *Matter of Petty*, 848 F.2d 654, 655 (5th Cir. 1988). The motion did not fall within the bankruptcy court's post-dismissal ancillary jurisdiction to sanction fraudulent debtor conduct. In its ruling on the motion, the bankruptcy court did not punish Dooley, but instead rendered a substantive legal decision. *See Taylor*, 884 F.2d at 481 ("The bankruptcy court does not have jurisdiction . . . to grant new relief independent of its prior rulings once the underlying action has been dismissed.").

Remanded with Instructions to Vacate the Ruling of the Bankruptcy Court.

REMANDED.

** The Honorable Charles R. Breyer, United States District Judge for the Northern District of California, sitting by designation.